

City of Kake

"HOME OF THE WORLD'S LARGEST TOTEM POLE"

P.O. BOX 500
KAKE, AK 99830
907-785-3804


Feb 4th 2003

Dan Bockhorst !

Thank You for the opportunity
to present this packet of
comments to the Local
Boundary Commission on behalf
of the City and Municipality
of Kake.

I hope these comments
will be helpful and serve
you well as you see to
the mission given you by
the Legislature !

Best Regards


Mayor

City of Kake

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February 4, 2003

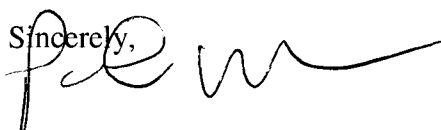
Local Boundary Commission
550 W. 7th Ave., Suite 1790
Anchorage, AK 99501

Dear LBC:

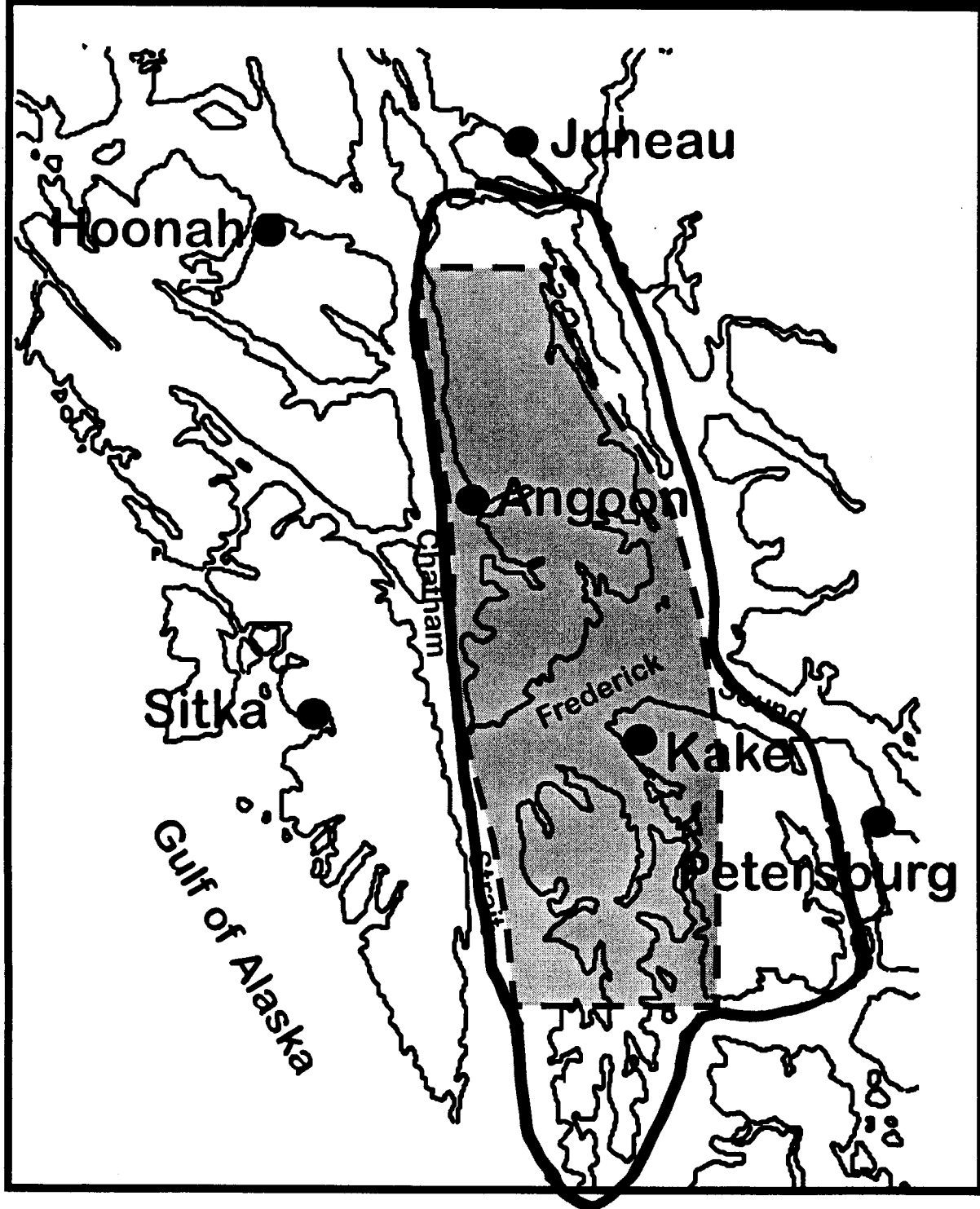
Though the Community of Kake already enjoys the opportunity to serve effectively within a municipal context, and as we look to the LBC to address those unincorporated regions, we look forward to providing input, assistance and local expertise as we consider this matter.

Please accept this map representing an alternative drawing of boundaries for the suggested Chatham District. These boundaries and landmarks encompassing the Islands of Admiralty, Kupreanof, and Kuiu would serve the goals and intentions of the Commission identifying a borough that would serve the geographic, financial, cultural, and social components of this discussion.

Thank you for your consideration and please let me know if I can assist you in any matter I might clarify.

Sincerely,

Paul Reese, Mayor
City of Kake

Chatham Region Model Borough Boundaries



City of Kake

"HOME OF THE WORLD'S LARGEST TOTEM POLE"

P.O. BOX 500
KAKE, AK 99830
PHONE: (907) 785-3804
FAX: (907) 785-4815

Whereas, the community of Kake has existed from ancient times, enjoying culture, community, and its unique way of life.

Whereas, the community of Kake has in earlier times enjoyed its independence, self determination, autonomy and now, as a first class municipality, the oversight of the welfare of our people.

Whereas, the community of Kake now is composed of a dynamic and vital culture, and unique personality as has evolved from its rich history.

And whereas, the community has also been associated with and intimately connected with its traditional land, those lands used by its people for those traditional activities such as hunting, fishing and gathering related to the lively hood of the people.

And as: the state has now mandated the Local Boundary Commission to address the matter of those communities now existing on unincorporated boroughs.

Be it resolved: that the Community and Municipality of Kake declare it's resolve and determination to maintain its unique culture, personality and way of life.

Be it further resolved: that the community and municipality of Kake does now encourage and petition the Local Boundary Commission and all agencies to whom this matter is relevant to make all diligence to consider the interests and concerns of our community, in any mechanism that would result in the formation of a borough that would either include or encompass the City of Kake or any of the traditional lands associated with the peoples of Kake.

Also, it is resolved: that the community of Kake does now express its position that no Borough be formed in or around the Municipality or the traditional lands of Kake without the expressed consent and endorsement of its peoples as provided by that mechanism made available by the ordinances of the City of Kake.

Adopted, this 29th day of Jan 2003, by Charles Hansen (acting City Clerk)
A vote of 6 yea's 0 nay's and 0 abstentions;

Signed: [Signature]
Mayor

**KAKE TRIBAL CORPORATION**

P.O. Box 263 • Kake, AK 99830 • (907) 785-3221 • Fax: (907) 785-6407

January 31, 2003

Local Boundary Commission
State of Alaska

Dear Sirs:

Kake Tribal Corporation is opposed to any borough that includes Petersburg or Wrangell. It also opposes any borough proposal that includes the current Glacier Bay borough. The proposed Chatham Borough may work but must incorporate a method or direction on opportunities as well as potential detrimental effects on our existing government structure.

Kake Tribal Corporation is the largest single landholder in the community of Kake and vicinity and would like to participate in any discussion pertaining to this matter. Please consider the ramifications carefully and without prejudice to villages in Southeast Alaska. If you require further information or discussion please call me at the above number.

Sincerely,

Sam Jackson
President/CEO

Kake City School District

*P.O. Box 450
Kake, Alaska 99830
(907) 785-3741*

January 30, 2003

Mayor Paul Reese
City of Kake
PO Box 500
Kake, AK 99830

Dear Mayor Reese,

I am encouraged to hear that you have the opportunity to meet with staff members of the Local Boundary Commission in Anchorage next week. I feel it is very important to be proactive in the issue of borough formation. The LBC has a very difficult task in that it is impracticable for a small commission with limited resources to set up and judge proper boundaries for people groups within a state as large and diverse as Alaska.

If a governing body is to be responsive to and representative of the people under its authority, it must have a foundation in the history and culture that brought those peoples together in the first place. I am very concerned that the rich history and culture of the original Kake people is not being considered in the establishment of borough boundaries currently under consideration by the LBC.

As a school district, Kake City Schools can not support the boundary of the Chatham Model Borough, the combination of the Chatham and the Glacier Bay Boroughs or the inclusion of Kake in the Wrangell-Petersburg Borough. None of these options give sufficient respect to the culture or original lands considered home to the Kake Tlingit people.

In a newsletter article put out by First Alaskans Institute in the fall of 2002, President and CEO Byron Mallott says, "For Native people, education is about reconnecting us to a strong sense of who we are, where we've come from and where we're going. So long as the educational system of this state does not recognize that, the system will fail us. And if it fails us, it will have failed all Alaskans."

As an educator, I do not see any of the proposed borough boundaries as beneficial to the processes that Mr. Mallott speaks to. No borough that fails to consider the traditional territory of the Kake Tlingit people will be successful in meeting the educational and cultural needs of the people. The establishment of any of the LBC proposed borough boundaries would only exacerbate the educational disconnect of students in Kake and other Native communities.

Kake City School District is an Equal Opportunity Employer

Kake City School District

*P.O. Box 450
Kake, Alaska 99830
(907) 785-3741*

Autonomy is very important to the people of Kake and the education of their children. This autonomy helps to preserve the culture and identity of the people. It is often difficult for those who do not have the strong traditions and ties to Native lands to understand its power and value to the communities and people who have it. These factors are critical to the successful representation of the people by a government. Until these factors are recognized in the formation of boroughs, the likelihood of a successful borough government that will meet the educational and communal needs of the people will be remote.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Gebhart", with a stylized flourish at the end.

Eric Gebhart
Superintendent



Organized Village of Kake

P.O. Box 316

Kake, Alaska 99830-0316

Telephone 907-785-6471

Fax 907-785-4902 / email KeexKwaan@starband.net

(Federally Recognized Tribal Government serving the Kake, Alaska area)



January 29, 2003

Mr. Dan Bockhorst
Division of Community & Business Development
Department of Community & Economic Development
550 West 7th Ave., Suite 1770
Anchorage, AK 99501-3510

RE: OVK Position & Written Testimony to Local Boundary Commission

Dear Mr. Bockhorst:

The Organized Village of Kake (OVK) is pleased to join with the City of Kake on this important undertaking for our community. It serves as an excellent opportunity for the tribal government and municipal government to work together on a common issue, which is in keeping with the philosophy being forged in the *Intergovernmental Memorandum of Agreement* between our two local governments.

With the above in mind, OVK wishes to submit its position in regard to the development of boroughs, associated boundaries and/or other factors that could affect our tribal citizenship and the overall community. As a local government, OVK has responsibilities to its Tribal Citizens, which make up three quarters of the local population. These duties, include among others, powers of authority to "protect the general welfare and security of the Village" and "protect and preserve the timber, fisheries and other property and natural resources" as mandated by the *Organized Village of Kake Constitution*.

The above governmental responsibilities continue in today's world, the same as they applied since time immemorial as the Kake Indians utilized and rightfully claimed the lands and waters of our area as their homeland. The territory of Kake was long established before outside contact came to our shores and that area continues in use today and into perpetuity, as it is utilized for customary & traditional gathering (i.e. subsistence) in addition to other uses for the benefit of our people – whether for personal, spiritual, economic, and/or other socio-economic activities.

Besides the tribe's history, which we will present in this document, we wish to go on record that the Organized Village of Kake, under its mandate to serve its citizens, must object to any borough, boundary or other action that will infringe upon Kake's traditional boundaries. Further, any action that would diminish our local home rule, which is well established by our tribal government and also by the City of Kake as a first-class city, could not be justified as being in the best interest of our citizens – i.e. Kake being absorbed by another community and/or another borough would be unacceptable.

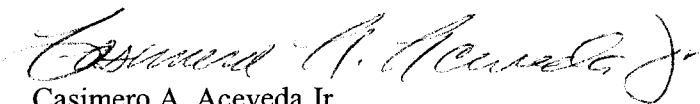
In addition to local documentation, the boundaries of the Kake areas are corroborated by the *Traditional Territory of the Kake Tlingit* as published by the State of Alaska and based on the Goldschmidt & Haas map 1946, *Possessory Rights of the Natives of Southeast Alaska* and Department of the Interior 1944, *Hearings on Claims of the Towns of Hydaburg, Klawock, and Kake, Alaska*. A copy of the Goldschmidt/Haas map is attached to this submittal by our tribal government and is offered as documentation of our claim to our homelands.

Mr. Dan Bockhorst, DCED / Local Boundary Commission
January 29, 2003
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In addition to the Goldschmidt/Haas map, our other support documentation includes two attachments that go into more detail that the reader may review at his/her convenience and thereby not detract from the body of this comment letter.

Thank you for your time as we present our tribal government position and if any further information or materials are needed, please contact myself or our executive director, Gary E. Williams, at our office. We plan to continue working with the municipal government on this common cause, but in the interest of efficiency, we ask that our office be added to your contact list so we can stay current with information concerning our community.

Sincerely,



Casimero A. Aceveda Jr.
IRA Council President

Enclosures:

Attachment A:

State of Alaska, Department of Fish & Game Subsistence Division Map, based on Goldschmidt, W.A., and T.H. Haas 1946 **POSSESSORY RIGHTS OF THE NATIVES OF SOUTHEAST ALASKA** and Department of Interior 1944 Hearings on Claims of the Towns of Hydaburg, Klawock and Kake, Alaska.

Attachment B:

Pp 91-95, **Haa Aani', Our Land: Tlingit and Haida land rights and use by Walter R. Goldschmidt and Theodore H Haas**; Edited by Thomas F. Thornton.

Attachment C

Excerpts from Organized Village of Kake Tribal Archives: "**Keex' Kwaan Territory Ownerships by Tribes**"; "**Keex' Kwaan Boundaries of Land and Clan Ownership**"; "**Traditional Kake (Keex' Kwaan) Territory**"; compiled by Tribal Historian, Charles Johnson Jr.

XIII. Kake Territory

General Description

In 1944 hearings were held to determine the aboriginal rights of the people of Kake, Klawock, and Hydaburg. As a result of these hearings and subsequent hearings held in Seattle the then Secretary of Interior, Harold L. Ickes, made a determination of the rights of the Haida and Tlingit people of these three villages. The Secretary's report is entitled *Claims of the Natives of Hydaburg, Klawock, and Kake, Alaska* (July 7, 1945). A map accompanying this report indicates the area claimed in the petitions of these three villages. The Secretary's decision indicated four classes of land: (1) land to which Natives of the several villages are entitled to under the doctrine of aboriginal rights; (2) lands to which Native possessions have been extinguished; (3) lands which Natives can, in common with other persons, utilize for hunting and fishing; and (4) lands for which decision has been reserved.

Concerning the last of these classes of land to which our attention in this section will be devoted, the Secretary stated:

Decision on the areas, totaling approximately 2,003,000 acres, claimed by the Natives of Kake in common with other bands of the Tlingit Tribe, and including all of Kuiu Island, exclusively claimed in part by the Natives of Kake and in part by the Natives of Klawock, is reserved in order to allow other bands to be heard (Ickes 1945).

The following areas are included in the lands for which decision has been reserved:

- (1) Seymour Canal area including the inside coast of the Glass Peninsula and the coast of Admiralty Island from the portage southward to and including the northern portion of Gambier Bay.
- (2) The mainland coast northward from Point Highland to including all of Port Houghton, Hobart Bay, Windham Bay, and Holkham Bay.
- (3) Northern Kuiu Island to and including Bay of Pillars on the west and Port Camden on the east.
- (4) Central Kuiu Island including the whole of Tebenkof Bay on the west and the area around Conclusion Island on the east.

(5) Southern Kuiu Island from Port Malmesbury and Alvin Bay south.

(6) Red Bay on northern Prince of Wales Island.

It will be remembered that in the tabulation indicating the tribal entities reported since 1885 (above), some authors included the Kuiu people as part of the Kake tribe, and some considered the Kuiu to be a separate entity. Among the latter were Veniaminov, who reports a people he calls Kuyutzk, and Wehrman. Petrov in 1880 on the other hand includes his Kouyou with the people of Klawock. Krause at about the same time indicates them as a separate entity. Niblack and Swanton both include the Kuiu as a part of the Kake.

Testimony received in the field indicates that there was once a village on Tebenkof Bay which was the home of the Kuiu people. The population was decimated by an epidemic of smallpox, and the remaining people moved across Kuiu Island from Tebenkof Bay. According to present accounts, some of the Kuiu people moved to Klawock and others moved to Kake. It is therefore not surprising that both the Kake and Klawock communities consider the Tebenkof area as their own territory.

Detailed Analysis of the Kake Territory

Seymour Canal - The people of Angoon who dwell on Admiralty Island and occupy the Tyee area recognize Kake clans on Admiralty Island. All Kake people utilize Pybus Bay (Billy Jones #62 and Peter Tom #64, Angoon). Beyond Pybus Bay Angoon informants were entirely unacquainted, although Ike James stated: "Seymour Canal is out of our territory, I believe the Juneau people came in there through the portage at the north end" (Ike James [Angoon] #59). Concerning this area Patty Sseek of Kake had the following to say:

The islands called the Brothers [Neek] are claimed by Gambier Bay Jim and his clan, the Gaanax.ádi. These people have connections at Taku, and they claim the whole of Gambier Bay. I hunted seal and fished and dried halibut in the spring there. They also trapped there, but now the islands are owned by a fox farmer and nobody goes there anymore. The Gaanax.ádi claim from Point Pybus north-

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ward, but Pybus itself belongs to the Kaach.ádi. The Gaanax.ádi people used to have a village at Taku called T'aakuká Aan. A man named Weihá in Juneau belongs to that clan, and there are quite a few people of that clan up the Taku River. . . . Seymour Canal is claimed by a Wooshkeetaan man because it formerly belonged to his grandfather. The Native name of this area is Geiwk'6o. He is related to me because he belongs to the same clan. He is a member of the Juneau or Auk people (Patty Skeek [Kake] #88).

According to Katie Matsu, a Native Tlingit of Auk, presently living at Juneau, the Seymour Canal area is territory belonging to the L'eeneidí clan. At present it is being used by a Native Auk named Jimmy Watson who lives there the year around. His home is on an island in the canal called Kitqaxhik [?]. Throughout the canal he picks berries, hunts deer, and traps. Other Natives of the Juneau people go there to fish for their own use, among them until about five years ago the witness herself (Katie Matsu #23).

It appears, therefore, that the Kake Natives have utilized some territory on Admiralty Island from time immemorial. They do not, however, according to testimony both by Kake and Auk witnesses, properly claim the Seymour Canal area.

Mainland coast from Point Highland to Holkham Bay – Niblack (1890; see Chart 1), on his map of Tlingit territory, indicates a section of the mainland coast from approximately Thomas Bay northward about to Windham Bay as constituting part of the territory assigned to the Kake people. Petrov (1884:31), in his listing of Kake villages, includes one located on Port Houghton. This delineation was apparently acceptable to Krause who reproduces Petrov's listing.

Witnesses of Kake and other communities are in agreement that the Kake people occupy territory on the mainland in the neighborhood of Port Houghton. Concerning this area one witness stated:

Port Houghton is claimed by the Taneidí clan. There used to be cabins on the south coast of Port Houghton. We used to gather herring eggs on Hobart Bay. There were houses on the points on the south and north sides. These belonged to the same people that own Port Houghton. The houses there are no longer used but we still go there to trap and to seine for fish. There also used to be cabins on Roberts Island but these are no longer used. There is nobody living that is descended from that family now. Robert Island is now a fox farm. There are good fish streams in that area and the people who live there used to smoke fish there. There are cabins on the shores at Port Houghton on two

separate places but these also are no longer used. In Fanshaw Bay there are two houses near the cannery which are still there but no longer used because the old man who owned them died recently. There was a winter house there which was built by a carpenter. There are fish streams all along Fanshaw Bay. Whitney Island is now used for a fox farm and there are no Native houses there. I cannot tell you anything beyond Cape Fanshaw but I think the Wrangell people use Farragut Bay. Chief Tom of Kake has lived on a point inside Fanshaw Bay. He also had a cabin at Portage Bay on the peninsula. This place belonged to the Shangukeidí. I do not know why he used to live there but I think it may have been through his wife (Fred Friday #87).

Windham Bay was claimed by the Sit'kweidí. A bay a little farther north is called Sit'kú, and this place, Windham Bay, and Endicott Arm were all claimed by the Sit'kweidí. Topsy Dugaqua trapped in this area. These are all Kake people and it is all within Kake territory (Fred Friday #87).

A Wrangell witness in describing the territory belonging to that tribe indicates that the northern boundary on the mainland was Cape Fanshaw (Thomas Ukas [Wrangell] #69). Another witness indicated that the Wrangell people hunted as far as Farragut Bay and occasionally went as far as Cape Fanshaw (Willis Hoagland [Wrangell] #68). No Wrangell Natives claim any territory north of Cape Fanshaw for the Stikines.

On the other hand, no Taku witness claims territory further south than the Holkham Bay area where the old village of Sumdum was situated. It appears, therefore, that the Kake people probably claimed the mainland coast from Cape Fanshaw north to and including Windham Bay, but that beyond this point the territory belonged to the people of Taku. The statement quoted above made by Mr. Friday indicated that the Natives of Kake continue to use this area for hunting and fishing.

Northern Kuiu Island – Niblack (1890) includes all of Kuiu Island as part of Kake territory. Krause (1885) likewise indicates that the northern portion of Kuiu Island belongs to the Kake people. Petrov (1884:31) includes a Kake village on Koo Island, undoubtedly the one indicated on Krause's map approximately on Security Bay. Historical data, therefore, leaves no doubt as to the aboriginal occupancy of the northern part of Kuiu Island.

Neither Angoon nor Sitka witnesses at any place in their statements indicated any aboriginal use of Kuiu Island. Likewise, this territory lies entirely outside that claimed in the petition filed by the Klawock people as a portion of their territory. This section, therefore, cannot be consid-

ered subject to alternate claims by Natives of any village other than Kake.

Witnesses from Kake itself reported the aboriginal use and occupancy of this territory in considerable detail. Concerning Saginaw Bay, one witness stated:

Saginaw Bay is called Skanáx and belongs to the Tsaagweidi clan. Charlie Newton has a claim to that place. There are about two smokehouses still standing there. They use the whole bay for hunting but now generally sleep in their boats instead of in camps on the land. I saw them there last winter and have stopped to visit them at this place. There are also other cabins further up the bay. The Newtons claim the whole place and it is necessary for anyone else to get permission before they can hunt there.

Charlie Johnson of Kake is using a land house and stores his things in the upper end of Saginaw Bay. This place belongs to his wife's clan. He uses the bay to troll for halibut and king salmon. There is a trolling camp at the mouth of the bay on the west side, with two or three cabins. All the Native people from here go there. There is another trolling cabin at Cornwallis Point. This is where the people from Kake are trolling at the present time (Fred Friday #87).

Concerning Security Bay the same witness says:

Security Bay is called Kúchx'w. There is still one smokehouse there on the east side. The whole bay belongs to the Kooshdaa Hít house of the Kaach.ádi clan. This was their main camp. Now they generally go there in boats when they want to hunt and fish. It is an important bay for gathering food. They get dog salmon late in the fall. They get deer in season and pick blueberries, huckleberries, and crabapples there. It is also a stopping place for the trollers at the mouth of Security Bay which has been used since olden days. This area is a good place to gather black seaweed and gumboots. On the coast southward from Security Bay is a trapping area. I trapped there last fall myself but did not get much game (Fred Friday #87).

Concerning around Kuiu Island the same witness continues:

Washington Bay is called Gakwyík. All Kake people used to go there to put up herring oil nearly on the site of the present cannery. They also trap in this area all the way from Pillar Bay. This area belonged to the Shangukeidi people. There is an island off the north arm of Pillar Bay called Shánk'w. This island and the north arm of Pillar Bay were used for trapping mink and land otter. Roy James trapped there last winter. Johnny Kasheets lets his nephews use that place now. He is the oldest man in the clan and claims this place as his own. The north arm of Pillar Bay is used for purse seining and there are quite a few fish streams in that area.

There used to be a camp and garden site just inside of the north arm of this bay. There are no houses there now but the bay is used for hunting deer. The people do not camp but sleep in their boats. On the island in the southern arm of Pillar Bay there is a trolling camp with quite a few cabins which all the people from here use. In general the bays were owned by the different clans but the area in between was used by all the Natives together for trapping. There was a camp on the north shore of the southern arm of Pillar Bay which was claimed by our clan but is not there any more. Now our people trap there and get deer there. It is also a good place for fishing for sockeyes. Some of the Native people have houses near the Fidalgo Packing Company. The area around Point Ellis is used for trapping and for gathering gumboots (Fred Friday #87).

On the east coast of Kuiu Island in the Port Camden area clearly detailed reports of Native use are presented by Mr. Friday:

Port Camden belongs to the Sukteeneidi clan. They get there by way of the portage. There are houses on the west side of the stream in two places. They have a smokehouse and three living houses at the north end and one house at the south end. Our people still dry fish there. Adam James used that place last fall. I saw him use it. He goes there every fall. He dries meat and dog salmon and hunts seal there. He also gets berries at Port Camden. This area is good for trapping mink, land otter, beaver, and marten in season. Adam James trapped there this winter and so did David Steteen. They trap along both sides of the bay.

There is a camping place at Kadake Bay which belongs to the same clan. Chester James uses it now. He used it this winter for smoking humpies, dog salmon, and cohos. He also gets steelhead there. He traps the whole bay area and all the way out to the point. Other people from here trap the northern shore of the peninsula across from the Keku Islands. One family has a house and garden on Keku Island. The woman still goes there to garden. This is not an area claimed by any one clan, so far as I know. On the westernmost island there was a Native camp but it has since been turned into a fox farm. Formerly, the Native people had gardens there before the fox farmer took it over (Fred Friday #87).

The detailed statement by Mr. Friday leaves little doubt as to either the early occupancy or the continued use of northern Kuiu Island by the Natives of the village of Kake.

Central Kuiu Island – Both the Kake and Klawock petitions claim the shores of the Tebenkof Bay and the east coast of Kuiu Island across from this bay. This section, for which direct conflict exists, we have called central Kuiu Island. It

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has already been stated that Niblack (1890) considers all of Kuiu Island as belonging to Kake territory. Since, however, Niblack tends to place the whole of any one island within the territory of one tribe, this cannot be taken as conclusive evidence of Kake rights to all of Kuiu Island. Krause indicates that the southern portion of Kuiu Island belongs to the Kuiu people, but he does not indicate how far north their territory extends. Petrov includes the village of Kuyu with the Klawock group. As previously indicated, the confusion undoubtedly results from the fact that there was at one time a separate tribe of people known as Kuiu and that these spread between Kake and Klawock after their communities had been reduced by disease. Historic data, therefore, inevitably leaves us in doubt as to the proper assignment of this territory. Friday indicates the source of this confusion as follows:

There used to be a village that I have already told you about on Kuiu Island in Tebenkof Bay and this village was destroyed by an epidemic a long time ago. The survivors from this epidemic walked across the island to the other side and later most of them went to Klawock and McCartney. However, they had formerly been Kake people. That is how the Klawock people came to use this island and claim this area in later years (Fred Friday #87).

The old village was at Gap Point on the north shore of Tebenkof Bay. It was called Kalhéen Aan and belonged to the Kuiu people. Concerning the current usage of this area, Friday stated:

We also trap in Tebenkof Bay and around Port Malmesbury. I do not know what clan claims that but people go there from here to hunt and fish in the streams. A former Kake man had a cabin at Port Malmesbury but it is no longer there (Fred Friday #87).

Concerning the east coast of this central portion of Kuiu Island, Mr. Friday continues:

The Naasteidí clan from Klawock claim the bay across the island from Tebenkof Bay. In later years they moved across to Tebenkof Bay and now try to claim that area. There is a fort out on an island near the village site. There also are garden plots at this place. The Kuyú Kwáan used to claim all this place but now it is mostly used for trapping. There are good fish streams here too and we seine and troll in the bay. Trolling is especially good around Troller Islands where there is a trolling camp. This is also a good place to gather black seaweed. I just got some there myself. I troll in this area frequently, but the last time was three years ago. People from Kake go there all the time. . . .

Three-mile Arm is called Tlaxánk'oo and also belongs to the Was'eeneidí. There are cabins at Seclusion Bay and off

the island near Seclusion Bay. This belongs to the same clan. There used to be smokehouses but we no longer use smokehouses there. However, we still use this area for trapping and gathering black seaweed in the spring and for catching fish for there are good fishing streams in these bays. Now we usually purse seine for the commercial fisheries. We do not dry the fish from there. However, we hunt deer in season and dry some of the flesh. The Klawock people who settled in Shakan used to use the area beyond this point but Conclusion Island is owned by the Was'eeneidí people from Kake (Fred Friday #87).

Current usage of central Kuiu Island by Kake people is indicated in the statement made by Mr. Friday, although he recognizes the joint use of this area by the Natives of Klawock. This joint use, however, does not apply either to Three-mile Arm or Conclusion Island.

Southern Kuiu Island – The Natives of Kake in their petition did not claim Kuiu Island south of Port Malmesbury. Concerning this area Mr. Friday, our chief witness, said; "The bays are used chiefly for hunting. I do not know enough about this area to give any detailed information" (Fred Friday #87). The implications of this statement are clearly that southern Kuiu is outside of Kake territory. This is in agreement with the Krause map, though not with Niblack.

Red Bay – Red Bay on northern Prince of Wales Island was claimed by the Natives of Kake in their petition for possessory rights. Their right to this territory may seriously be questioned. Concerning this area Wrangell Natives said:

Red Bay belongs to the Teeyhittaán. They had a camp at the mouth on the west side. There are no smokehouses there now. The Teeyhittaán people own all the way down as far as Lake Bay. At Red Bay, they could gather berries of all kinds, and get meat and fish. There was a special berry there called "Yellow Clouds" (Willis Hoagland, Wrangell #68).

There was a camp in Red Bay, behind Bell Island. All different people went there, but it was controlled by the Teeyhittaán. Old Nikash was the last man to stay there. He had a smokehouse, and got all kinds of salmon, seaweed, clams, berries, and halibut. It was an important fishing ground (Thomas Ukas [Wrangell] #69).

These statements are in general agreement with the following from Mr. Friday:

They could get red cedar timbers from Red Bay. Red Bay was not claimed by the Kake people and I believe it belongs to the Wrangell people. There are no red cedar trees on Kupreanof Island and we had to go further for our timbers. People from here do not make canoes any more, but I have

made them myself in times past. I used to get my canoe timbers from the Prince of Wales Island (Fred Friday #87).

No doubt the use of this area depended upon the consent of the Wrangell people in conformity with general custom among the Tlingits in such matters.

The evidence presented here which is in accordance with both the Niblack and Krause maps indicates that the Kake people do not have a valid claim to Red Bay on Prince of Wales Island.

Possessory Rights of the Kake Natives

The present discussion is concerned only with that portion of the Kake territory on which the Secretary (Ickes 1945), in his determinations, reserved decision.

The area held in doubt on Admiralty Island does not, in fact, belong to the aboriginal territory of the Kake people, though undoubtedly it has been utilized by them in recent times. Its proper allocation is discussed in the section on Juneau and Douglas Natives' territory. It is to be noted that, while it does not affect the Secretary's decision, other territory on Admiralty Island originally claimed by the Kake Natives is not properly assigned to them. Gambler Bay is actually a part of the territory belonging originally to the Douglas people, though through intermarriage Kake people have obtained rights to the use of this land, in accordance with Native custom. Eliza Harbor and Herring and Chapin bays were Native Angoon territory. Pybus Bay was Kake territory, and is so assigned in the Secretary's determination. The data obtained from Kake substantiates the allocation of this area to joint use by Natives and whites.

The mainland area claimed in the petition of the Kake people extends further up Stephens Passage than evidence supports. Port Snettisham is clearly a part of Douglas terri-

tory, though it is now also used by Natives of Kake. Similarly Farragut Bay is territory originally occupied by Wrangell Natives, according to both Wrangell and Kake witnesses. Kake people, however, had acquired special use rights by virtue of intermarriage. The intervening area was Kake territory, and is still regularly but not exclusively used by Kake Natives, and should therefore be considered an area of joint use.

Of Kuiu Island, the northern third was not only indisputably Kake territory prior to American occupation, but continues to be used intensively by Kake Natives and is here assigned to them as possessory rights. The middle section of this island continues to be used by Kake Natives, but jointly with the people of Klawock, who share a legitimate Native claim to the area and it is therefore not to be considered an area to which the Kake people have an exclusive right, but one which they, along with the Klawock Natives, have the right to use. The southern portion of the island properly belongs to Klawock territory, according to statements obtained in Kake.

Red Bay, which was claimed in the Kake petition, is properly placed in the territory of the Wrangell people, according to all the data received. The Kake Natives appear to have had some rights prior to American occupation, and continue to use the bay for fishing.

Almost all the residents were away from the village at the time the team visited Kake; it is therefore especially important that the Kake people be afforded an adequate opportunity to study this conclusion and, if so desired, to present to an examiner additional evidence regarding their possessory rights in the areas in which decisions had earlier been reserved. The Klawock Natives should be afforded the same opportunity in regard to the area claimed by them which was reserved for later decision.

This report was first issued in 1946 as a federal government Indian land claims document titled "Possessory Rights of the Natives of Southeastern Alaska." The entire original report, written by Walter Goldschmidt and Theodore Haas, is reprinted here, together with an introduction by Thomas Thornton, original Native witness statements, and a reminiscence by Walter Goldschmidt.

Haa Aaní, Our Land is funded in part by a grant from the Alaska Humanities Forum.

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ORGANIZED VILLAGE OF KAKE
 Federally Recognized Tribal Government Serving the Kake Alaska area.
OVK ARCHIVES

KEEX' KWAAN TERRITORY OWNERSHIP BY TRIBES
Excerpted from, "HEARINGS UPON CLAIMS OF NATIVES OF ALASKA
 PURSUANT TO THE PROVISIONS OF SECTION 201.21b OF THE
 REGULATIONS FOR PROTECTION OF THE COMMERCIAL FISHERIES OF
 ALASKA," SEPTEMBER 1944

CONDENSED FROM TESTIMONY BY CHARLES JOHNSON.

J

SUKTEENEIDÍ owns Port Camden.

WAS'EENEIDÍ Hamilton Bay & Rocky Pass to Summit Island, from there to Pt. Monte Carlo, Kennedy, then to Pt. Barrie & (sic) 3 mile arm; also from Portage Bay across to mainland, Cape Fanshaw.

SHUNGUKEIDÍ Farragut Bay to [Cape] Fanshaw Pt. (sic) & back to Cape Bendel

NAAS.ÁDÍ owned from [Cape] Fanshaw to Windham [Bay] to Cape Point.

The Naas.ádi is an extinct tribe. "Charles Newton, when asked by Viola Garfield, "Who would care for areas of extinct tribe?" Responded, 'Children of the last man would claim an area when the tribe becomes extinct.' [In this instance the S'EETKWEIDÍ.]

S'EETKWEIDÍ from Windham [Bay] to Cape Point and into the interior on the mainland.

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K'WAAT'AA.NEIDÍ owns whole of Tebenkof Bay to Pt. Ellis.

SHANGUKEIDÍ owns North Arm of Pillar Bay to Washington Bay.

TANYEIDÍ owns from Washington Bay to Meade Pt.

TSAAGWEIDÍ owns from Saginaw Bay & part of Kuiu Island back to the place I started from. "Viola Garfield, Unpublished Papers",

¹ According to Billy Friday this clan are originally from the Affleck Canal on Kupreanof Island however, they inter-married with the Kuiu Kwaan.

ORGANIZED VILLAGE OF KAKE
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OVK ARCHIVES

KEEX' KWAAN BOUNDARIES OF LAND AND CLAN OWNERSHIP

The following testimonies of Charles ~~and Frank Johnson~~ were excerpted from the, "HEARINGS; UPON CLAIMS OF NATIVES OF ALASKA PURSUANT TO THE PROVISIONS OF SECTION 201. 21b OF THE REGULATIONS FOR PROTECTION OF THE COMMERCIAL FISHERIES OF ALASKA 1944". *[More commonly referred to as Indian' Possessory Rights' hearings.]*

[The purpose of this excerpt is for information concerning the traditional boundaries of the Keex' Kwaan.]

- A. Port Camden, that belongs to _____ *[Sukteeneidi]*. I want to point out the place where they belong by looking at the chart, but if I am sitting down I cannot remember well.
- Q. Now, what English names do the members of your family have now?
- A. They never changed them.
- Q. Show me where it is.
- A. This is the bay I am referring to (indicating on chart).
- Q. Port Camden?
- A. Yes. And right across to Hamilton Bay and Rocky Pass, right here (indicating). They call them Wuzinady *[Was'eeneidi]* that owns this piece of property.
- Q. Now, Mr. Johnson that will be roughly Upper Rocky Pass?
- A. Well, that would be to Summit Island. And then from there on to Point Monte Carlo, Kunedy *[Tanyei]* and then from thereon to Point Barrie, and to Three Mile Arm, it belongs to that second name I gave you.
- Q. From there to Point Barrie and Three-Mile Arm, that belongs to the second one you named?
- A. Yes, sir.
- Q. That would be Wuzinady *[Was'eeneidi]*?
- A. And from Portage Bay, and across, back to there—
- Q. (interrupting) From Portage Bay across to the mainland?
- A. Yes.
- Q. Including Farragut Bay to—
- A. (interrupting) Fanshaw Point.
- Q. And back to Cape Bendel?
- A. And back to Cape Bendel belonged to the Shuncocady *[Shangukeidi]*. And from here (indicating) to this place (indicating) is Naysudddy *[Naas.adi]*.
- Q. That is from Fanshaw to Windham?
- A. Yes that belongs to Naysceddy *[Naas.adi]*. And then from there to this part
- Q. (interrupting) That is from Windham to Cape Point?
- A. Yes, that belonged to Zeedquady *[S'eet'kweidi]*.
- Q. Then start at Cape Point again.
- A. That line goes back to this here part (indicating).
- Q. Does that belong to the same family?

- A. No. That is a different one again.
- Q. That is from where?
- A. To Point Hugh—
- Q. (interrupting) From Cape Point to Point Hugh, and on Seymour Canal as far as Gambier Island.
- A. That belongs to Gleanady [*L'eeneidi*].
- Q. Who did Gambier Bay belong to?
- A. That is a different one. That is a different party.
- Q. Well, from where?
- A. That is from Gambier Point, this whole bay (indicating) that belonged to another party.
- Q. Gambier Bay belonged to whom?
- A. That belonged to Gahnukuddy [*Gaanax.ddi*].
- Q. I didn't get this clear, Charlie. What about Seymour Canal? Did you cover that?
- A. Yes. That was before Gambier Bay. And from there to Deep Water Point, that belonged to Quachuddy [*Kaach.ddi*].
- Q. That is from below Gambier Bay to Deep Water Point?
- A. Yes sir.
- Q. From Point Tybus (*sic*) [Pybus] to Deep Water Point?
- A. Yes. And then this here—the same party owns this point—the whole shore of this Cape Bendel, from Cape [Point] McCartney, the same one just previous to this that I have mentioned owns this place.
- Now, we have to go down to this shore. That is the shore used by the Ulthchunady (*sic*) [*Xa lchooneidi*] from Hogaat (*sic*) [Hoggatt] Bay to [Cape] Ommaney.
- Q. Go on.
- A. And Port Malmesbury and part of Tebenkof Bay belonged to Nossdady [*Naasteidi*], and the whole of Tebenkof Bay to Point Ellis belongs to Gautahnady [*K'waat'aa.neidi*] and from the south arm of Pillar Bay all the way across to the Portage belongs to Sukteenady [*Sukteeneidi*]. And the next one is the north arm to Washington Bay.
- Q. The north arm¹ of Pillar Bay to Washington Bay?
- A. Yes, and that belonged to the Shungocady (*sic*) [*Shangukeidi*]. And then from Washington Bay to Meade Point belonged to Kanage (*sic*) [*Tanyeidi*] and from Saginaw Bay and part of Kuiu Island back to the place I started from belonged to the Tsaquady (*sic*) [*Tsaagweidi*].
- Q. What about Semour (*sic*) [Seymour] Canal? Will you come up here to the chart and tell us about that? Now, which one does Seymour Canal go in with?
- A. It goes in with this whole bay and through the portage.
- Q. And what is the family name?
- A. Gleanady (*sic*) [*L'eeneidi*].
- Q. Now, Mr. Johnson, you didn't say anything about Red Bay² on Prince of Wales Island?
- A. Yes.
- Q. Did that belong to anybody?
- A. You didn't ask me for that part. I could mark it out and tell you who it belonged to.

¹ In the early days the locals commonly called Rowan Bay "North Arm." What is presently listed as Bay of Pillars on modern nautical charts was known as "South Arm."

² Arthur Johnson interviewed by Viola Garfield stated, [in reference to Red Bay.] "...Red Salmon or Sockeye most valuable fish t'aneidi (*sic*) [*Tanyeidi*] go over there for these.

Q. You mark it out, then.

(Marks on map)

A. That belongs to Kunnady [*Tanyeidí*] the people that this belongs to (indicating).

Q. It belongs to the people that own the lower end of Rocky Pass?

A. Yes.

Q. And their name is Kunnady. [*Tanyeidí*]

A. Yes, sir.

Q. I thought that that belonged to Bill Paul.

A. He tried to adopt it, probably.

Q. Well, was he a member of that family that owns it?

A. I don't know what he is a member of, but we know it from this place—they belong here—those Kunnady [*Tanyeidí*]

Q. Well, is William Paul a member of that family?

A. No. We remember that William Paul is entitled to Salmon Bay.

Q. What was his family name?

A. Who, William Paul?

Q. Yes.

A. Tihitams (*sic*) [*Teey Hit Ton*].

Q. Now, don't the Thitams (*sic*) claim Red Bay?

A. No. Tunnady [*Tanyeidí*]³ It sounds almost alike.

Q. But it makes a lot of difference to Bill Paul?

A. It makes a lot of difference with us, all right.

Q. Did you know a man in your lifetime called Gambier Bay Jim?

A. Yes, sir; I do.

Q. What family did he belong to?

A. He belonged to Gahnukuddy [*Gaanaxádi*].

Q. Now, this house or this family of Gambier Bay Jim, is that a Kake house?

A. What is that?

Q. Is that one of the Kakes? Gambier Bay Jim's family, were they Kake people?

A. Yes. He is one of them. He is here—the one that is after him is here. He has got a house here in Kake now Charlie Mason, his name is.

Q. But in olden times, were they from Kake or from Angoon, or from Killisnoo?

A. I don't know where they used to be.

Q. They were not here at Kake in the earliest days that you can remember?

A. I cannot say offhand.

Q. Did Gambier Bay Jim claim that bay?

A. Yes, sir.

Q. For himself?

A. His clan claims it anyhow (*sic*).

Q. And didn't he make the rest of the Kake natives stay out of there, or prevent them from fishing there?

A. I was not fishing in those days. I don't know just how he used to do things.

+++++

³ See Arthur Johnson's comments in RE: Red Bay in Viola Garfield's papers.

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TRADITIONAL KAKE [KEEX' KWAAN] TERRITORY.

In our culture it is a well-understood principle of self-preservation that humans are just one small part of the land and of nature and not the dominant force; living in harmony with the land and with nature is an integral part of our traditional culture and self-identity.

We draw our identity, as a people, from our relationship to the land, sea, and its resources; it is a spiritual and sacred relationship; based on the need to co-exist with nature.

On these lands, and waters, our ancestors lived and died; here we too make our homes. From these lands and waters we, as did our forefathers harvest in measured quantities, what is needed to sustain ourselves; being careful not to unnecessarily disturb or destroy anything not required for our sustenance and physical well being.

The migration of birds, animals and the spawning of fish predicated our annual calendar; for that reason there were autumn, winter, spring, as well as summer camps.

We, as were our ancestors, are but a minute segment of a pilgrimage from one living generation to the next.

Tlingit ownership of land antedates memory and was a sacred trust.

They had a well-developed system of exclusive ownership, of land, rivers, riparian areas and waters; they had well-defined geographic boundaries in each Tribe's territory; and were owned in common by all its members. Those boundaries were well known and respected by all other Tribes and it was tacitly understood that there would be no trespassing, by non-members without the express permission of the traditional owners.

Each Tribe's territory was further divided into separate holdings of clans, house groups and from among them by families, as specialized camp sites for harvesting animals, berries, fish, tidal area foods, trees, etc.

They recorded title to their land with posted crest designs owned by various clans. Clan stories and songs recorded the history of how clans came into possession of their territories, which included land, riverine, marine areas and transportation corridors. They even claimed mountaintops and glaciers.

Each clan traveled to their traditional historical areas; where they conducted their hunting, trapping, fishing and food gathering as well as harvesting other materials they needed.

Each location is pre-empted by particular families, and considered hereditary property, which is handed down from generation to generation. Those areas are still utilized, though not as camps, for harvesting traditional and cultural foods; fast boats are now used to get to and from those harvest areas therefore camps at the sites are no longer necessary

Tlingit property laws were rigid and inflexible.

The original Tlingit name of the present Kake village site was "Tá Aan," which literally interpreted, means sleeping village. It was sort of the 'Capital' of the Keex' Kwaan and came alive when it was used for special gatherings of the Keex' Kwaan.

The people started building frame houses at the present site, after the U. S. Navy in 1869, wantonly destroyed not only all the houses, canoes in three Keex' Kwaan villages, but their winter food supplies that were cached at special garden site and campsites. The

following winter was an especially harsh one and many children and adults perished for lack of the food, proper clothing and housing.

KEEX' KWAAN [Kake People] TERRITORY---OWNERSHIP BY TRIBES

Excerpted from, "HEARINGS UPON CLAIMS OF NATIVES OF
ALASKA PURSUANT TO THE PROVISIONS OF SECTION 201.21b
OF THE REGULATIONS FOR PROTECTION OF THE
COMMERCIAL FISHERIES OF ALASKA," SEPTEMBER 1944

[See hearings transcript of Charles S. Johnson's testimony September 22, 1944]

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"Viola Garfield Papers", University of Washington Archives. [Box 10 Accession Number 2027-72-25 location number T0908d, KAKE

This territory was quite extensive and far-reaching. It included all of Kupreanof Island except the eastern portion bordering on Wrangel *(sic)* *[Wrangell]* Narrows, which belonged to the Stikeenkwan *(sic)*. The Kuyu *(sic)* *[Keku]* Straits and Frederick Sound, the mainland coast of Stevens Passage from Pt. Windham to Cape Fanshaw, the southern shore of Admiralty Island from Eliza Harbor northward almost to the entrance of Seymour Canal.

*"EMMON'S NOTES ON KAKEKWAN (sic)." An unpublished paper
by George T. Emmons*